IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

PETITION NO.108 OF 2006

RE: Saahil Enterprises & Ors....Debtors

EX-PARTE :

The Jaihind Oil Mills Company ...Ptg.Creditors

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None for Debtors.

Mr.Tushar Goradia for Petitioning Creditors.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 20, 2007.

P.C.

1. The present Petition is founded on the decree passed by the Court against debtors on 26th August 2005 in Summons for Judgment No.770 of 2004 in Summary Suit No.1731 of 2003. As the debtors failed to pay the amount, Insolvency Notice No.N/93 of 2006 dated 5th May 2006 was issued, which was duly served on the debtors on 19th August 2006. Inspite of service, debtors failed to pay the decretal amount. In that sense, act of insolvency

was completed on 24th September 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditors have had no option but to take out the present action, which has been filed on 6th November 2006. The debtors have been duly served on 26th February 2007. Inspite of such service, none appears for the debtors. No reply has been filed. As no explanation has been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

A.M.KHANWILKAR, J.